

ARKANSAS SUPREME COURT

No. CR 08-1470

KEITH TORRENCE
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered February 26, 2009

PRO SE MOTION FOR BELATED
APPEAL [CIRCUIT COURT OF
MILLER COUNTY, CR 2003-512, HON.
KIRK D. JOHNSON, JUDGE]

MOTION DENIED.

PER CURIAM

In 2003, petitioner Keith Torrence entered a plea of guilty to thirty-seven counts of second-degree forgery and received probation. In 2008, his probation was revoked, and he was sentenced by the court to an aggregate term of 240 months' imprisonment. Now before us is petitioner's motion for belated appeal in which he seeks this court's permission to proceed with an appeal of the judgment and commitment order entered on June 13, 2008.

A defendant may waive his right to appeal by his failure to inform counsel of his desire to appeal within the thirty-day period allowed for filing a notice of appeal under Arkansas Rule of Appellate Procedure—Criminal 2(a)(4). *Bankston v. State*, 354 Ark. 473, 125 S.W.3d 146 (2003) (per curiam). Such was the case here. Petitioner does not contend in his motion that he asked his attorney to file an appeal from the 2008 revocation judgment, and trial counsel, in her affidavit submitted in response to petitioner's motion, stated that petitioner did not make such a request.

Motion denied.